

BOIES SCHILLER FLEXNER LLP

David Boies (admitted pro hac vice)
333 Main Street
Armonk, NY 10504
Tel.: (914) 749-8200
dboies@bsflfp.com

Mark C. Mao, CA Bar No. 236165
Beko Reblitz-Richardson, CA Bar No. 238027
44 Montgomery St., 41st Floor
San Francisco, CA 94104
Tel.: (415) 293-6800
mmao@bsflfp.com
brichardson@bsflfp.com

James Lee (admitted pro hac vice)
Rossana Baeza (admitted pro hac vice)
100 SE 2nd St., 28th Floor
Miami, FL 33131
Tel.: (305) 539-8400
jlee@bsflfp.com
rbaeza@bsflfp.com

Alison L. Anderson, CA Bar No. 275334
M. Logan Wright, CA Bar No. 349004
2029 Century Park East, Suite 1520
Los Angeles, CA 90067
Tel.: (213) 995-5720
alanderson@bsflfp.com
mwright@bsflfp.com

SUSMAN GODFREY L.L.P.

Bill Carmody (admitted pro hac vice)
Shawn J. Rabin (admitted pro hac vice)
Steven M. Shepard (admitted pro hac vice)
Alexander Frawley (admitted pro hac vice)
Ryan Sila (admitted pro hac vice)
One Manhattan West, 50th Floor
New York, NY 10001
Tel.: (212) 336-8330
bcarmody@susmangodfrey.com
srabin@susmangodfrey.com
sshepard@susmangodfrey.com
afrawley@susmangodfrey.com
rsila@susmangodfrey.com

Amanda K. Bonn, CA Bar No. 270891
1900 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
Tel.: (310) 789-3100
abonn@susmangodfrey.com

MORGAN & MORGAN

John A. Yanchunis (admitted pro hac vice)
Ryan J. McGee (admitted pro hac vice)
Michael F. Ram, CA Bar No. 104805
201 N. Franklin Street, 7th Floor
Tampa, FL 33602
Tel.: (813) 223-5505
jyanchunis@forthepeople.com
rmcgee@forthepeople.com
mram@forthepeople.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ANIBAL RODRIGUEZ, SAL CATALDO,
JULIAN SANTIAGO, and SUSAN LYNN
HARVEY, individually and on behalf of all
others similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No.: 3:20-cv-04688-RS

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' OMNIBUS MOTIONS IN
LIMINE**

The Honorable Richard Seeborg

[PROPOSED] ORDER

Before the Court is Plaintiffs' Omnibus Motions *in Limine* (Dkt. 518). For the reasons that follow, the Court GRANTS Plaintiffs' motions *in limine*.

Plaintiffs' Motion in Limine No. 1. Having considered the parties' papers in support of and in opposition to Plaintiffs' motion *in limine* number one, arguments of counsel, and all other matters properly considered by this Court, the Court GRANTS Plaintiffs' first motion *in limine*. IT IS HEREBY ORDERED that evidence or argument concerning Plaintiffs' counsel's compensation, including the manner or amount of such compensation or that any such compensation may come from a percentage of the recovery in this case, is excluded from the jury in the above-captioned matter.

Plaintiffs' Motion in Limine No. 2. Having considered the parties' papers in support of and in opposition to Plaintiffs' motion *in limine* number two, arguments of counsel, and all other matters properly considered by this Court, the Court GRANTS Plaintiffs' second motion *in limine*. IT IS HEREBY ORDERED that argument that this matter is lawyer driven is excluded from the jury in the above-captioned matter.

Plaintiffs' Motion in Limine No. 3. Having considered the parties' papers in support of and in opposition to Plaintiffs' motion *in limine* number three, arguments of counsel, and all other matters properly considered by this Court, the Court GRANTS Plaintiffs' third motion *in limine*. IT IS HEREBY ORDERED that argument concerning the size, profitability, or type of work done by counsel is excluded from the jury in the above-captioned matter.

Plaintiffs' Motion in Limine No. 4. Having considered the parties' papers in support of and in opposition to Plaintiffs' motion *in limine* number four, arguments of counsel, and all other matters properly considered by this Court, the Court GRANTS Plaintiffs' fourth motion *in limine*. IT IS HEREBY ORDERED that evidence and argument concerning former plaintiffs who voluntarily dismissed their claims before trial—including Google's proposed exhibits G114–16, G118–19, G123–25, G127–28, G132–35, G137, G153–54—are excluded from the jury in the above-captioned matter.

1 **Plaintiffs’ Motion in Limine No. 5.** Having considered the parties’ papers in support of
2 and in opposition to Plaintiffs’ motion *in limine* number five, arguments of counsel, and all other
3 matters properly considered by this Court, the Court GRANTS Plaintiffs’ fifth motion *in limine*.
4 IT IS HEREBY ORDERED that evidence or argument concerning the procedural history of this
5 case—including the complaint, rulings on motions to dismiss, and any allegations made before
6 trial—is excluded from the jury in the above-captioned matter.

7 **Plaintiffs’ Motion in Limine No. 6.** Having considered the parties’ papers in support of
8 and in opposition to Plaintiffs’ motion *in limine* number six, arguments of counsel, and all other
9 matters properly considered by this Court, the Court GRANTS Plaintiffs’ sixth motion *in limine*.
10 IT IS HEREBY ORDERED that argument concerning the purpose of or legislative intent behind
11 California’s Comprehensive Computer Data Access and Fraud Act (“CDAFA”)—including
12 arguments that CDAFA is an “anti-hacking” statute—is excluded from the jury in the above-
13 captioned matter.

14 **Plaintiffs’ Motion in Limine No. 7.** Having considered the parties’ papers in support of
15 and in opposition to Plaintiffs’ motion *in limine* number seven, arguments of counsel, and all other
16 matters properly considered by this Court, the Court GRANTS Plaintiffs’ seventh motion *in limine*.
17 IT IS HEREBY ORDERED that evidence that app developers consented to sharing data with
18 Google and argument that app developers’ agreements with Google can establish consent or
19 permission for purposes of Plaintiffs’ claims are excluded from the jury in the above-captioned
20 matter.

21 **Plaintiffs’ Motion in Limine No. 8.** Having considered the parties’ papers in support of
22 and in opposition to Plaintiffs’ motion *in limine* number eight, arguments of counsel, and all other
23 matters properly considered by this Court, the Court GRANTS Plaintiffs’ eighth motion *in limine*.
24 IT IS HEREBY ORDERED that evidence that Plaintiffs continued using Google services (and
25 apps that use Google services) after filing this lawsuit, and argument that such continued use is
26 relevant to any of Plaintiffs’ claims or Google’s defenses, are excluded from the jury in the above-
27 captioned matter.
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IT IS SO ORDERED.

DATED: _____

Honorable Richard Seeborg
Chief United States District Judge